

REMARKS

Claims 1-14 and 16-18 were pending.

Claims 1-14 and 16-18 are cancelled.

Claims 19-30 are new.

New Claims 19-30

Applicants have cancelled all pending claims 1-14 and 16-18.

New claim 19

New claim 19 is supported by the combination of original claims 1, 13 and 3.

New claim 20-30

New claims 20-30 ultimately now depend from claim 19.

Claim 20 is supported by cancelled claim 2.

Claim 21 is supported by cancelled claim 4. Claim 21 is new but withdrawn.

Claim 22 is supported by cancelled claim 5.

Claim 23 is supported by cancelled claim 6.

Claim 24 is supported by cancelled claim 7.

Claim 25 is supported by cancelled claim 8.

Claims 26 and 27 are supported by original claim 9 (before preliminary amendment of June 6, 2005).

Claim 28 is supported by cancelled claim 10.

Claim 29 is supported by cancelled claim 11.

Claim 30 is supported by cancelled claim 14.

No new matter has been added.

Although the applicants have limited the claims in this application, the applicants preserve the right to file any continuation or divisional to pursue the broader embodiments of the invention.

Election/Restriction

The applicants have elected the specific species of example 1 on December 5, 2007.

As all the originally numbered claims have been cancelled, it may be helpful for the applicant to identify which new claims correspond to the species elected and which claim encompass the elected species generically.

Claims 19, 22 and 23 correspond to the Species elected. Claims 19, 20 and 24-30 encompass the elected species generically.

Double Patenting

Claims 1-2 and 7-9 are rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-10 of US 7,264,916 to Heneghan.

Claims 1-2 and 7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 5-6 of opening Application No. 11/593,372 in view of Fujikawa, US 5,698,373.

Original claim 13 directed to protective clothing or mask or irradiation indicating tag. Note that original claim 13 is not part of the double patenting rejection. As new claim 19 incorporates the same limitations of original claim 13, this double patenting rejections are now moot.

35 USC 102(b)

Claims 1-3, 5-11 and 17-18 are rejected under 35 USC 102(b) as being anticipated by Fujikawa, US 5,698,373.

Claims 1-3, 5-6 , 10-11 and 17 are rejected under 35 USC 102(b) as being anticipated by Misura, US 5,770,115.

As the above rejections do not include original claim 13 and the new claim 19 incorporates the limitations of original claim 13, the above rejections are moot.

35 USC 103(a)

Claim 14 is rejected under 35 USC 103(a) as being unpatentable over Hayashihara, US 5,824,715 in view of Greer, US 2002/0057881 as applied to claim 12 above and in further view of Fujijura, US 5030548.

Claim 16 is rejected under 35 USC 103(a) as being unpatentable over Roberts, US 4540746 in view of Spivack, US 3935163.

As the above rejections do not include original claim 13 and the new claim 19 incorporates the limitations of original claim 13, the above rejections are moot.

Claims 1-3, 5-13 and 17-18 are rejected under 35 USC 103(a) as being unpatentable over Hayashihara, US 5,824,715 in view of Greer, US 20020057881.

Above is the only rejection of claim 13 in the last Office Action.

Examiner believes Hayashihara to disclose a marking compoiung comprising an energy ray curing resin and a leuco dye, equivalent to the color former of the instant application.

Greer is used to disclose a radiation-curable coating composition comprising a dye or dye precursor along with antioxidants such as tetrakis (methylene 3-(3',5'-di-t-buty-4'-hydroxy-phenylproionate) methane.

With regard to claim 13, examiner states in her reply of January 14, 2008, that Hayashihara et al. discloses that the marking composition is coated on substrate to be marked, such as plastic films. The marking composition can be used for marking the maker's name, contents, date of production, lot number, etc. on the surfaces of the sheets, packaging sheets, cards, labels so a tag having the above-mention marking composition applied thereon is equivalent to the tag of claim 13 of the instant application.

The applicants believe that the combination of Hayashihara and Greer does not arrive at the presently claimed "irradiation indicating tag" of claim 19.

Hayashihare discloses compositions comprising a color former, color developer, UV curable resins and various additives. Greer is used to provide the phenolic moiety in a UV curable coating. Applicants point out that both Hayashihare and Greer require UV curing to arrive at a solid product.

The combination of these two references could then never arrive at an "irradiation indicating tag" for the following reason. A UV cured resin would then color the exposed resin giving an "irradiated tag" which would no longer be capable of functioning as an "irradiation indicating tag".

As the combination of Hayashihara and Greer does not arrive at the presently claimed "irradiation indicating tag" of claim 19, applicants aver that the rejection is overcome.

Reconsideration and withdrawal of the rejection of claims 19-20 and 22-30 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 19-20 and 22-30 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Ciba Specialty Chemicals Corporation
540 White Plains Road
Tarrytown, New York 10591
(914) 785-2768
SAL\22811R1.doc

Shiela A. Loggins
Agent for Applicants
Reg. No. 56,221